



# State of New York

## Executive Chamber

No. 175

### EXECUTIVE ORDER

#### ENSURING NET NEUTRALITY PROTECTIONS FOR NEW YORKERS

WHEREAS, the internet is an essential service that should be available to all New Yorkers;

WHEREAS, the free exchange of information, including the ability to access the content of their choosing secured with net neutrality protections is expected and relied upon by all New Yorkers;

WHEREAS, New York businesses need the ability to reach new markets, compete in an increasingly global economy, and attract new talent through a free and open internet;

WHEREAS, New York students rely on a free and open internet to learn and access information far beyond their physical reach;

WHEREAS, educational institutions throughout New York rely on a free and open internet to teach and help their students grow;

WHEREAS, New York State employees need access to a free and open internet to conduct business on behalf of the people of New York State;

WHEREAS, New Yorkers rely on a free and open internet to communicate with family and friends, participate in the democratic process, research important family and personal decisions, and learn and be entertained;

WHEREAS, the Federal Communications Commission (FCC) recently chose to do away with free and open internet protections in order to satisfy corporate interests that are not aligned with those of New Yorkers;

WHEREAS, the FCC has opined that violations of net neutrality principles are best viewed through the lens of state and federal trade and business practice laws, which can be enforced by state governments;

WHEREAS, many of the Internet Service Providers (ISPs) serving New Yorkers have made public pledges to continue to abide by the principles of a free and open internet despite the FCC's actions;

WHEREAS, New York State is a significant purchaser of internet and broadband services;

**WHEREAS**, New York State has a responsibility to ensure the efficient procurement of goods and services for the State of New York and its political subdivisions and the principles of net neutrality are inherently tied to the provision of high quality, high speed broadband internet service for the State;

**WHEREAS**, because many New York State government services are available only via the internet, and throttling or paid prioritization would limit the ability of many of the most vulnerable New Yorkers to access the internet; and

**NOW, THEREFORE, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York do hereby order and direct New York State's government, through this Executive Order, not to enter into any contracts for internet service unless the ISPs agree to adhere to net neutrality principles. The Office of General Services or any other governmental entity of New York State, as defined herein, is directed to incorporate into the State's procurement process for internet, data, and telecommunications services criteria requiring that recipients of state contracts adhere to internet neutrality principles as follows:

**A. Definitions**

1. As used herein, "net neutrality" means ISPs will not block, throttle, or prioritize internet content or applications or require that end users pay different or higher rates to access specific types of content or applications.

2. As used herein, "Affected State Entities" means (i) all agencies and departments over which the Governor has Executive Authority; and (ii) all public-benefit corporations, public authorities and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

**B. Agency Responsibilities**

1. Affected State Entities are hereby directed to amend their procurement procedures to ensure that Affected State Entities only enter into contracts with ISPs that adhere to net neutrality principles and to ensure that internet services provided to Affected State Entities, include net neutrality protections, and specifically state that ISPs may not block lawful content, applications, services, non-harmful devices, or applications that compete with other services provided by the ISP. Any contract or contract renewal entered into by Affected State Entities for internet services on or after March 1, 2018, shall include a binding agreement consistent with the foregoing, and Affected State Entities shall not enter into a contract with any ISPs, agents therefor, or other entity offering to or procuring on behalf of any Affected State Entity internet services, without such a binding agreement.

2. The Department of Public Service is directed to evaluate potential actions to promote net neutrality in order to protect New Yorkers' access to a free and open internet.



BY THE GOVERNOR

*Mr. C*

Secretary to the Governor

GIVEN under my hand and the Privy Seal of the  
State in the City of Albany this twenty-  
fourth day of January in the year two  
thousand eighteen.

*Adrian*